

EXHIBIT 4

LIST OF VISUAL EXHIBITS

- A LGIO Deposit Copy
- B LGIO Deposit Copy with hand-written bar numbers and structural names
- C TOL published sheet music
- D *Money Chords* book excerpt
- E *Guitar for Advanced Beginners* book excerpt
- F Ferrara March 2015 “DRAFT” outline summary
- G TOL published sheet music with hand-written markings
- H Stewart report dated June 3, 2015
- I Excerpts from *100 Famous Funk Beats*
- J Excerpts from *The Drumset Musician*
- K Excerpts from *Mel Bay’s Funk Drumming*
- L Excerpts from *FastTrack Music Instruction: Drums2*
- M Opening vocal melodies in LGIO RP and TOL

LIST OF TRACKS ON AUDIO EXHIBIT 1

- 1 “Thinking Out Loud” sound recording
- 2 “Let’s Get It On” single version
- 3 “Let’s Get It On” album version
- 4 Example 3 in the Stewart report played at the piano
- 5 Example 4 in the Stewart report played at the piano
- 6 Example 5 in the Stewart report played at the piano

VISUAL EXHIBIT A

Page 1

Application for Registration of a Claim to Copyright

In a musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America

Instructions: Make sure that all applicable spaces have been completed before you submit the form. The application must be **SIGNED** at line 9. For published works the application should not be submitted until after the date of publication given in line 4(a), and should state the facts which existed on that date. For further information, see page 4.

Pages 1 and 2 should be typewritten or printed with pen and ink. Pages 3 and 4 should contain exactly the same information as pages 1 and 2, but may be carbon copies.

1. Copyright Claimant(s) and Address(es): Give the name(s) and address(es) of the copyright owner(s). In the case of published works the name(s) should ordinarily be the same as in the notice of copyright on the copies deposited.

Name Stone Diamond Music Corp.
Address 6464 Sunset Blvd.
Hollywood, Calif. 90028

Name Cherritown Music Co., Inc.
Address Box 37
Fosterdale, N.Y. 12735

2. Title: LET'S GET IT ON
(Give the title of the musical composition as it appears on the copies)

#5958

3. Authors: Citizenship and domicile information must be given. Where a work is made for hire, the employer is the author. Organizations formed under U.S. Federal or State law are U.S. citizens.

Authors include composers of music, authors of words, arrangers, compilers, etc. If the copyright claim is based on new matter (see line 5) give information about the author of the new matter.

Name Ed Townsend Citizenship: U.S.A. ☒ Other _____
(Give legal name followed by pseudonym if latter appears on the copies) (Check if U.S. citizen) (Name of country)

Domiciled in U.S.A. Yes ☒ No _____ Address 6464 Sunset Blvd. Author of words & music
(State which: words, music, arrangement, etc.)

Name _____ Citizenship: U.S.A. _____ Other _____
(Give legal name followed by pseudonym if latter appears on the copies) (Check if U.S. citizen) (Name of country)

Domiciled in U.S.A. Yes _____ No _____ Address _____ Author of _____
(State which: words, music, arrangement, etc.)

Name _____ Citizenship: U.S.A. _____ Other _____
(Give legal name followed by pseudonym if latter appears on the copies) (Check if U.S. citizen) (Name of country)

Domiciled in U.S.A. Yes _____ No _____ Address _____ Author of _____
(State which: words, music, arrangement, etc.)

NOTE: Leave all spaces of line 4 blank unless your work has been **PUBLISHED**.

(a) Date of Publication: Give the date when copies of this particular version of the work were first placed on sale, or printed, or the date when the work was performed should not be confused with the date of publication. NOTE: The full date (month, day, and year) must be given.

February 14, 1973
(Month) (Day) (Year)

(b) Place of Publication: Give the name of the country in which this particular version of the work was first published.

USA

NOTE: Leave all spaces of line 5 blank unless the instructions below apply to your work.

Previous Registration or Publication: If a claim to copyright in any substantial part of this work was previously entered in the U.S. Copyright Office in unpublished form, or if any substantial part of the work was previously published anywhere, give requested information.

Previously registered? Yes _____ No _____ Date of registration _____ Registration number _____

Previously published? Yes _____ No _____ Date of publication _____ Registration number _____

Is there any substantial **NEW MATTER** in this version? Yes _____ No _____ If your answer is "Yes," give a brief general statement of the nature of the **NEW MATTER** in this version. (New matter may consist of compilation, arrangement, adaptation, editorial revision, and the like, as well as additional words and music.)

EXAMINER
ON

Complete all applicable spaces on next page

6. If registration fee is to be charged to a deposit account established in the Copyright Office, give name of account:

Stone Diamond Music Corp.

7. Name and address of person or organization to whom correspondence or refund, if any, should be sent:

Name Stone Diamond Music Corp. Address below

8. Send certificate to:

(Type or
print Name
name and
address) Address

STONE DIAMOND MUSIC CORP.

6464 Sunset Blvd.
(Number and street)

Hollywood, Calif. 90028
(City) (State) (ZIP code)

9. Certification:

(Application not
acceptable
unless signed)

I CERTIFY that the statements made by me in this application are correct to the best of my knowledge.



(Signature of copyright claimant or duly authorized agent)

Application Forms

Copies of the following forms will be supplied by the Copyright Office without charge upon request.

Class A Form A—Published book manufactured in the United States of America.

Form A-B Foreign—Book or periodical manufactured outside the United States of America (except works subject to the ad interim provisions of the copyright law).

Class A or B Form A-B Ad Interim—Book or periodical in the English language manufactured and first published outside the United States of America.

Class B Form B—Periodical manufactured in the United States of America.

Form BB—Contribution to a periodical manufactured in the United States of America.

Class C Form C—Lecture or similar production prepared for oral delivery.

Class D Form D—Dramatic or dramatico-musical composition.

Form E—Musical composition the author of which is a citizen or domiciliary of the United States of America or which was first published in the United States of America.

Class E Form E Foreign—Musical composition the author of which is not a citizen or domiciliary of the United States of America and which was not first published in the United States of America.

Class F Form F—Map.

Class G Form G—Work of art or a model or design for a work of art.

Class H Form H—Reproduction of a work of art.

Class I Form I—Drawing or plastic work of a scientific or technical character.

Class J Form J—Photograph.

Form K—Print or pictorial illustration.

Class K Form KK—Print or label used for an article of merchandise.

Class L or M Form L-M—Motion picture.

Class N Form N—Sound recordings.

Form R—Renewal copyright.

Form U—Notice of use of copyrighted music on mechanical instruments.

| FOR COPYRIGHT OFFICE USE ONLY | |
|-------------------------------|---|
| Application received | <p>* (App.) 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 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1842, 1843, 1844, 1845, 1846, 1847, 1848, 1849, 1850, 1851, 1852, 1853, 1854, 1855, 1856, 1857, 1858, 1859, 1860, 1861, 1862, 1863, 1864, 1865, 1866, 1867, 1868, 1869, 1870, 1871, 1872, 1873, 1874, 1875, 1876, 1877, 1878, 1879, 1880, 1881, 1882, 1883, 1884, 1885, 1886, 1887, 1888, 1889, 1890, 1891, 1892, 1893, 1894, 1895, 1896, 1897, 1898, 1899, 1900, 1901, 1902, 1903, 1904, 1905, 1906, 1907, 1908, 1909, 1910, 1911, 1912, 1913, 1914, </p> |

EP 314589

ED TOWNSEND



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AND CHERRITOWN MUSIC CO., INC.

HOLLYWOOD, CALIF, U.S.A.

LET'S GET IT ON

Ab Bb7 Eb Gm

OOH WE'RE ALL

Ab Bb7 Eb Gm

SENSITIVE PEOPLE WITH SO MUCH TO GIVE

Ab Bb7 Eb Gm

UNDERSTANDING SUGAR

Ab Bb7 Eb Gm

SINCE WE GOT TO BE LET'S LIVE

Ab Bb7 Eb Gm

I LOVE YOU THERE'S

Ab Bb7 Eb Gm

NO THIN' WRONG WITH ME LOVIN' YOU

Ab Bb7 Eb Gm

BABY NO NO AND GIVIN' YOURSELF TO ME

Ab Bb7 Eb Gm

CAN NEVER BE WRONG IF THE LOVE IS TRUE

Ab Bb7 Ab

OH DA BY OOH DON'T

© 1972 TFC 809

LET'S GET IT ON

YOU KNOW HOW SWEET AND WONDERFUL LIFE CAN BE

OOH OOH I'M

ASKIN' YOU BABY TO GET IT ON WITH ME

OOH OOH

I AIN'T GOIN' TO WORRY I AIN'T GOIN' TO PUSH

I WON'T PUSH YOU BABY JUST COME ON COME ON COME ON

COME ON COME ON BABY STOP BEATIN' ROUND THE BUSH

HEY LET'S GET IT ON

OOH OOH LET'S GET IT ON YOU

LET'S GET IT ON

KNOW WHAT I'M TALKIN' A BOUT COME ON BA BY

HEY HEY LET YOUR LOVE COME OUT

IF YOU BE LIEVE IN LOVE LET'S GET IT ON

DOH LET'S GET IT ON BA BY THIS

MINUTE ON YEAH LET'S GET IT ON EE

PLEASE GET IT ON

HEY HEY COME ON COME ON COME ON

COME ON COME ON DAB LINE STOP BEATIN' 'ROUND THE BUSH

OH GONNA GET IT ON

Case 1:17-cv-03221-LCS Document 67-4 Filed 07/27/18 Page 1

LET'S GET IT ON

RIGHT WITH YOU BA-BY I WANT TO GET IT ON

YOU DON'T HAVE TO WORRY THAT IT'S WRONG IF THE SPIRIT MOVES

YOU LET ME GROOVE YOU GOOD LET YOUR LOVE COME DOWN

OH GET IT ON COME ON BA-BY

DO YOU KNOW I MEAN IT I'VE BEEN SANCTIFIED

HEY HEY GIRL YOU GIVE ME GOOD

FEELINGS SO GOOD SOME THING LIKE SUMMER TIME

VISUAL EXHIBIT B

LET'S GET IT ON

JUL 17, 1973

EP 314589

ED TOWNSEND

① Verse 1



I'VE BEEN REAL LY TRY IN BA BY TRY IN TO



HOLD BACK THIS FEEL IN FOR SO LONG AND IF



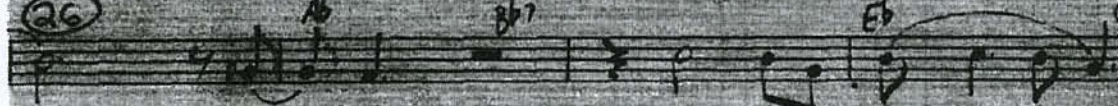
YOU FEEL LIKE I FEEL BA BY THEN COME ON



ON COME ON ON LET'S GET IT ON



ON BA BY LET'S GET IT ON



LET'S LOVE BA BY LET'S GET IT ON



SU GAR LET'S GET IT ON



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AND CHERRITOWN MUSIC CO., INC.

PI-7 58 DIA-75C 30

LET'S GET IT ON

Verse 2

30 A^b B^b7 E^b Gm

34 A^b B^b7 E^b Gm WE'RE ALL

38 A^b B^b7 E^b Gm SENSITIVE PEOPLE WITH SO MUCH TO GIVE

42 A^b B^b7 E^b Gm UNDERSTANDING SUGAR

46 A^b B^b7 E^b Verse 3 Gm SINCE WE GOT TO BE LET'S LIVE

50 A^b B^b7 E^b Gm I LOVE YOU THERE'S

54 A^b B^b7 E^b Gm NO THIN' WRONG WITH ME LOV'IN' YOU

58 A^b B^b7 E^b Gm BA-BY NO NO AND GIV'IN' YOUR SELF TO ME

62 A^b B^b7 E^b Gm CAN NEVER BE WRONG IF THE LOVE IS TRUE

Bridge 1

OH BA BY OOH DON'T

LET'S GET IT ON

66 YOU KNOW HOW SWEET AND WONDERFUL LIFE CAN BE

70 OOH OOH I'M

74 ASK IN' YOU BA BY TO GET IT ON WITH ME

78 OOH OOH OOH

82 I AIN'T GOIN' TO WORRY I AIN'T GOIN' TO PUSH

86 I WON'T PUSH YOU BA BY JUST COME ON COME ON COME ON

90 COME ON COME ON BA BY STOP BEAT IN' ROUND THE BUSH

94 Verse 4

98 HEY LET'S GET IT ON

OOH OOH LET'S GET IT ON YOU

LET'S GET IT ON

Handwritten musical score for "Let's Get It On" by Marvin Gaye. The score is written on ten staves, with measures numbered in circles (102, 106, 110, 114, 118, 122, 126, 130, 134, 138). The lyrics are written below the notes, and the key signature and tempo are indicated by handwritten notes.

Staff 1 (Measure 102): KNOW WHAT I'M TALK IN' A BOUT COME ON BA BY *Ab Eb Gm*

Staff 2 (Measure 106): HEY HEY LET YOUR LOVE COME OUT *Ab Eb Gm*

Staff 3 (Measure 110): IF YOU BE LIEVE IN LOVE LET'S GET IT ON *Ab Eb Gm*

Staff 4 (Measure 114): DOH LET'S GET IT ON BA BY THIS *Ab Eb Gm*

Staff 5 (Measure 118): MIN UTE OH YEAH LET'S GET IT ON *Ab Eb Gm*

Staff 6 (Measure 122): PLEASE GET IT ON *Ab Eb Gm*

Staff 7 (Measure 126): HEY HEY COME ON COME ON COME ON *Ab Eb Gm*

Staff 8 (Measure 130): COME ON COME ON DAR LIN? STOP BEAT IN' 'ROUND THE BUSH *Ab Eb Gm*

Staff 9 (Measure 134): OH GON NA GET IT ON *Ab Eb Gm*

Staff 10 (Measure 138): *Ab Eb Gm*

Handwritten Notes:

- Chorus 2 Gm* (Measure 110)
- Bridge 2* (Measure 126)
- Outro Gm* (Measure 138)

Key Signature: *Ab* (A-flat)

Tempo: *Gm* (G major)

Other Markings: *FM* (Measure 130), *BB7* (Measure 130)

LET'S GET IT ON

(138) $A\flat$ $B\flat7$ $E\flat$ Gm

RIGHT WITH YOU BA-BY I WANT TO GET IT ON

(142) $A\flat$ $B\flat7$ $E\flat$ Gm

YOU DON'T HAVE TO WORRY THAT IT'S WRONG IF THE SPIRIT MOVES

(146) $A\flat$ $B\flat7$ $E\flat$ Gm

YOU LET ME GROOVE YOU GOOD LET YOUR LOVE COME DOWN

(150) $A\flat$ $B\flat7$ $E\flat$ Gm

OH GET IT ON COME ON BA-BY

(154) $A\flat$ $B\flat7$

(157) $E\flat$ Gm $A\flat$ $B\flat$ I'VE BEEN SANCTIFIED

HEY HEY GIRL YOU GIVE ME GOOD

(161) $E\flat$ Gm $A\flat$ $B\flat7$

FEELINGS SO GOOD SOMETHING LIKE SUMMER TIME

(165) $E\flat$

VISUAL EXHIBIT C

Thinking Out Loud

Words and Music by Ed Sheeran and Amy Wadge

$\text{♩} = 80$

D5 D/F# G5 Asus2

1. When your legs don't work like they used to be-fore,
2. When my hair's all but gone and my mem - o - ry fades,

mp
secco

3 D5 D/F# G5 A5

and I can't sweep you off of your feet,
and the crowds don't re - mem-ber my name,

5 D5 D/F# G5 A5

will your mouth still re-mem-ber the taste of my love,
when my hands _____ don't play the strings the same way, mmm, —

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2 D5 D/F# G5 A5

7

will your eyes still smile from your cheeks? Dar-lin' I,
I know you will still love me the same. 'Cos hon-ey your

9 D D/F# G Asus2 D D/F#

will be lov-in' you till we're sev-en-ty, _____
soul could nev-er grow old, it's ev-er-green, _____

12 G A D D/F# G Asus2

and ba-by, my heart could still feel as hard at twen-ty three, _____
and ba-by your smile's for-ev-er in my mind and mem-o-ry. _____

15 D D/F# G A11

and I'm think-ing 'bout how _____
I'm think-ing 'bout how _____

17

Em7 G6 A7 D Em7 G6

peo-ple fall in love in mys-te - ri-ous ways, — may-be just the touch of a hand, —
 peo-ple fall in love in mys-te - ri-ous ways, — and may-be it's all part of a plan, —

Ped. cont. sim.

20

A Em7 G6 A Bm

— well me, I fall in love with you ev - 'ry sin-gle day, — and
 well, I'll just keep on mak-ing the same mis-takes, —

23

Em7 G6 A7 N.C.

I just wan - na — tell you I am, — so hon - ey now, —
 hop - ing that you'll un - der - stand — that ba - by now, —

25

D D/F# G A11

— take me in - to your lov - in' arms, —

4

D D/F# G A D D/F#

27

kiss me un-der the light of a thou - sand stars, —

30

G A D D/F# G A

place your head on my beat-ing heart, — I'm think-ing out — loud — may-be

To Coda ♩ 1. 2.

33 Bm A G D/F# Em7 A D Em7 A D

we found love right where — we are. where — we are.

36 D/F# G Asus4 D D/F#

La, la,

39

G A D D/F# G Asus4

la, la, la, la, la, la, la, la, la, la.

42

D D/F# G A11

D.S. al Coda

So ba - by, now

Coda

44

Em7 A D Bm A G D/F# Em7 A D

where we are, ba-by we found love right where we are, _____ and

47

Bm A G D/F# Em7 A D

we found love right where we are. _____

p

Thinking Out Loud

Words and Music by Ed Sheeran and Amy Wadge

$\text{♩} = 80$

E \flat 5 E \flat /G A \flat 5 B \flat sus2

1. When your legs don't work like they used to be-fore,
2. When my hair's all but gone and my mem - o - ry fades,

mp
secco

3 and I can't sweep you off of your feet,
and the crowds don't re - mem-ber my name,

5 will your mouth still re-mem-ber the taste of my love,
when my hands _____ don't play the strings the same way, mmm, _

2

7

E♭5 E♭/G A♭5 B♭5

will your eyes still smile from your cheeks? Dar - lin' I,
I know you will still love me the same. 'Cos hon - ey your

9

E♭ E♭/G A♭ B♭sus2 E♭ E♭/G

will be lov-in' you till we're sev-en - ty,
soul could nev-er grow old, it's ev - er - green,

12

A♭ B♭ E♭ E♭/G A♭ B♭sus2

and ba-by, my heart could still feel as hard at twen-ty three,
and ba-by your smile's for - ev - er in my mind and mem - o - ry.

15

E♭ E♭/G A♭ B♭11

and I'm think-ing 'bout how
I'm think-ing 'bout how

17

Fm7 A♭6 B♭7 E♭ Fm7 A♭6

peo-ple fall in love in mys-te - ri-ous ways, — may-be just the touch of a hand, —
 peo-ple fall in love in mys-te - ri-ous ways, — and may-be it's all part of a plan, —

Ped. cont. sim.

20

B♭ Fm7 A♭6 B♭ Cm

— well me, I fall in love with you ev - 'ry sin - gle day, — and
 — well, I'll just keep on mak - ing the same mis - takes, —

23

Fm7 A♭6 B♭7 N.C.

I just wan - na tell you I am, — so hon - ey now, —
 hop - ing that you'll un - der - stand — that ba - by now, —

25

E♭ E♭/G A♭ B♭11

take me in - to your lov - in' arms, —

4

27

$E\flat$ $E\flat/G$ $A\flat$ $B\flat$ $E\flat$ $E\flat/G$

kiss me un-der the light of a thou - sand stars, —

30

$A\flat$ $B\flat$ $E\flat$ $E\flat/G$ $A\flat$ $B\flat$

place your head on my beat-ing heart, — I'm think-ing out — loud — may-be

To Coda Φ 1. 2.

33

Cm $B\flat$ $A\flat$ $E\flat/G$ $Fm7$ $B\flat$ $E\flat$ $Fm7$ $B\flat$ $E\flat$

we found love right where _ we are. where _ we are.

36

$E\flat/G$ $A\flat$ $B\flat$ $E\flat$ $E\flat/G$

La, la,

39      

la, la, la, la, la, la, la, la, la, la, la.

42     *D.S. al Coda*

So ba - by, now

Coda  44          

where _ we are, ba-by we found love right where we are, _____ and

47       

we found love right where we are. _____

p

VISUAL EXHIBIT D

Money Chords

A Songwriter's Sourcebook of Popular Chord Progressions

Richard J. Scott

Writers Club Press
San Jose New York Lincoln Shanghai

Money Chords

A Songwriter's Sourcebook of Popular Chord Progressions

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Published by Writers Club Press
an imprint of iUniverse.com, Inc.

For information address:
iUniverse.com, Inc.
620 North 48th Street
Suite 201
Lincoln, NE 68504-3467
www.iuniverse.com

ISBN: 0-595-01039-3

Printed in the United States of America

“E-G#” Chord Progressions

The most frequent progressions that begin with the “E” chord and then move to the “G#” chords are as follows:

| | |
|--------------------------------------|---------------------------------------|
| Rock Ballad (“G#m” Substitution) | E-G#m-A-B7 ← |
| Standard (“G#m” Substitution) | E-G#m-F#m-B7 |
| Five Chord Ragtime | E-G#7-C#7-F#7-B7 |
| Descending “E-D#-C#-B” Bass Lines | E-G#m/D#-C#m-F/B E-G#7/D#-C#m-F7/B |
| Descending “E-D#-D-C#” Bass Lines | E-G#m/D#-Bm/D-C#7 |

The “E-G#m-A-B7” Rock Ballad (“G#m” Substitution) Progression is similar to the “E-C#m-A-B7” Rock Ballad Progression except the “C#m” chord has been substituted by the “G#m” chord which creates an interesting Ascending Bass Line. The “E-G#m-A-B7” Progression was used in the 1960s and 1970s to create such songs as Peter And Gordon’s 1965 top twenty cover of Buddy Holly’s *True Love Ways*, Ex-Beatle Paul McCartney’s 1973 James Bond film theme hit *Live And Let Die*, and Rod Stewart’s 1989 *Have I Told You Lately*.

The “E-G#m-F#m-B7” Standard (“G#m” Substitution) Progression is similar to the “E-C#m-F#m-B7” Standard Changes except that the “G#m” chord is substituted for the “C#m” chord. Examples of hit songs based on the Standard (“G#m” Substitution) Progression commonly used in 1960s and 1970s include Bobby Vinton’s 1963 number one *Blue Velvet*, The Commodores’ 1977 top five *Easy*, and Melissa Manchester’s 1979 top ten *Don’t Cry Out Loud*.

The “E-G#7-C#7-F#7-B7” Five Chord Ragtime Progression follows the Circle of Fifths through four changes was used primarily in the 1920s. Where Blues Progressions tend to be twelve bars, in

VISUAL EXHIBIT E

GUITAR

• FOR •

ADVANCED BEGINNERS

THE PRACTICAL APPROACH TO LEARNING AND USING BARRE CHORDS

LESSONS 101: THE E-FORM MAJOR BARRE CHORD SHAPE. E-STRING NOTES AND E-STRING CHORDS. THE IMPORTANCE OF LOCATION AND SHAPE. THE ACE FRAMEWORK. THE ANDALUSIAN CADENCE. CHANGING BARRE CHORD SHAPES. E-FORM MINOR. E-FORM 7th. THE INCREDIBLE ANDALUSIAN CADENCE. THE VI-V-IV-V PROGRESSION. THE BO DIDDLEY RHYTHM: REVIEW TO-DAY. FIFTY-SECOND MUTE. SIXTEENTH-NOTE SYNCOPATION. THE BO DIDDLEY STRUM. A-FORM CHORD CHORDS 101: LOCATING BARRE-CHORD ROOT NOTES. IDENTIFYING NOTES ON THE A-STRING. THE E-SHAPE USING CORAL: THREE OPTIONS. POTENTIAL NOTE-CONNECTION. E TO A FOLD: THE E TO A FOLD. THE THIRD FINGER ROLL. THE SECOND FINGER PIVOT. THE POWERFUL E-IV AND IV RELATIONSHIPS. THE E-IV-V-IV PROGRESSION. OPTIONS, OPTIONS, OPTIONS: INTRODUCING A- AND E-FORM BARRE CHORDS. REVIEW OF THE MUSICAL ALPHABET. A-STRING NOTES AND A-STRING CHORDS. ACE OF A-STRING. E-STRING NOTES AND E-STRING CHORDS. E MINOR AND E7 CHORD REVIEW. ACE OF E-STRING. NATURAL NOTE LOCATION. A-FORM BARRE CHORDS 102: A-FORM REVIEW. MOVABLE A-FORM. MOVABLE A7 FORM. THE RETURN OF THE ANDALUSIAN CADENCE WITH MOVABLE CHORD PROGRESSIONS A PROGRESSION REVIEW. THE E-III-I CHORD CONFUSION. POWER CHORDS POWER CHORD FINGERING OPTIK TECHNIQUE. A POWER CHORD STOP THE FANTASTIC SONG. LEARN THESE THE ULTIMATE ACE REVIEW. CHORD V-VI-IV PROGRESSION. POTENTIAL CHORD? TERMINOLOGY & JARGON. DS. SLIDE TECHNIQUE. SCRATCH REVIEW AND JAM AND GRADUATION



NEW YORK CITY GUITAR SCHOOL

GUITAR

• **FOR** •

ADVANCED BEGINNERS

NEW YORK CITY GUITAR SCHOOL



Guitar for Advanced Beginners
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Published in the United States by NYC Guitar School.

NYC Guitar School
 251 West 30th Street
 New York, NY 10001

Publisher: Dan Emery
 Editor: Vince DeMasi and Matt Williamson
 Additional Material by: Matt Williamson

Book design: Chika Azuma

Printing: InstantPublisher

ISBN 978-0-9825998-6-0
 First edition

Printed and Bound in the United States

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- And more

ACKNOWLEDGEMENTS

Wow! I can't believe we're here...the final book in the New York City Guitar School beginner series. When I started writing *Guitar For Absolute Beginners*, the school had only one teacher (yours truly), my young family had one small child, and I had a small but amazing group of students and friends who encouraged me.

Since those first days of typing away lesson plans on the subway, a lot has changed. Last year our 50 teachers taught over 3,000 students in our city locations and thousands more around the world via our books and online classes, and that little son is now taller than me! But one thing that hasn't changed is that I'm surrounded by students, teachers and friends who inspire and push me and the school to be better.

Thank you to my students, who shared their enthusiasm, stoked my love of music, endured my teaching mistakes, and encouraged my teaching improvements. The moments when I am teaching you are among the happiest in my life.

Thank you to all those who have read and used the books, who have left reviews on Amazon, and who have written emails and letters of encouragement and criticism.

Thank you to the teachers, especially those who have been part of the school since its infancy, including Matt Boas, Lenny Molotov, Suke Cerulo, Brett Parnell, Tom Burda, Kenji Shinagawa, Vince DeMasi, Tia Vincent-Clark, Michelangelo Quirinale, Kyle Tigges, Tony Calabro, Jaime Garamella, Austin Mendenhall, Aki Ishiguro. I am also thankful to those teachers who contributed to NYCGS and spent time here before moving on to other cities or paths, especially Matt Williamson, Anne Husick and Woody Quinn.

Thank you to my teachers. Mike Dulak taught me my first riffs and licks back in Moscow, Idaho, and demanded that I teach myself by listening to the record (pre-internet TAB). Walter Parks taught me rhythm, inversions and voicings...and demonstrated the importance of presence and conviction in guitar playing and life. And Joe Calvert taught me modes and scales, and modeled approaching guitar teaching in an organized, student centered manner.

Two of my best teachers I knew only through their books: Mick Goodrick's book *The Advancing Guitarist* influenced me the most as a guitar player, and Jerry Silverman's *How to Play The Guitar* influenced me the most as a teacher.

I spent untold hours with great musicians who shared their chops, progressions and perspectives with me, including Steve Espinola, Tom Nishioka, Lenny Molotov and Matthias Miller. And of course, Hank Williams, Chuck Berry, Billy Gibbons, Mike Campbell and hundreds of other songwriters and guitar players were my constant guitar companions in their songs.

Thanks to co-owner Jen Elliott for making NYCGS the friendliest and most enthusiastic guitar school on the planet and having my back at all times. Thanks to Shane Chapman for putting all our courses online (and insisting that the school run a profit). Thanks to Samoa Jodha for constantly influencing our school (and me) to be kind, empowering and excellent. Thanks to our Leadership Team, including Ivan Orellana, Rob Adler, Subrina Torres and Leanna Burton for building and running our programs.

Finally, thank you to the team that brought this book into completion. Thank you to Chika Azuma, who made this book look beautiful despite my best efforts. Thank you to Vince DeMasi for his skillful editing and comments. And especially thank you to Matt Williamson, who revised the book organization, rewrote several sections, created the practice plans, took photos, and brought the book over the finish line. Awesome job, Matt—now, please move back to NYC!

Dan

CLASS SEVEN SONGS

A-FORM MAJOR/MINOR/7TH CHORDS

THE ANDALUSIAN CADENCE is the right progression to practice moving up and down the *A*-string, but the *I-iii-IV-V* progression is the PERFECT chord combination to begin mixing your new *A*-shape minor and 7th chords with *E*-shape chords.

It shows up in songs like “I Do” by Jude, “If I Had A Hammer” by Pete Seeger and Lee Hays, “Cruel to be Kind” by Nick Lowe, “True Love Ways” by Buddy Holly, “I Started A Joke” by the Bee Gees, “Ziggy Stardust” by David Bowie....

If I Had a *I-iii-IV-V* Progression

| | <i>E</i> -form | <i>A</i> -form | <i>A</i> -form | <i>A</i> -form | |
|---|----------------|----------------|----------------|----------------|--|
| → | G | Bm | C | D7 | |
| | I | iii | IV | V7 | |

You already know that the Andalusian Cadence is one of the worlds most common song progressions. It also is the perfect progression to practice moving your new *A*-string based barre chords up and down the neck. Try it out:

Andalusian In *D* Minor

| | | | | | | | | | | | |
|-----------|----------|--|----------------------|-----------|--|-----------|----------|--|----------------------|-----------|--|
| Dm | C | | B^b | A7 | | Dm | C | | B^b | A7 | |
|-----------|----------|--|----------------------|-----------|--|-----------|----------|--|----------------------|-----------|--|

Once you get comfy with the descending barre shapes, try going in the other direction with this progression reminiscent of the classic “Live and Let Die” by Paul McCartney, or “Do You Believe in Love” by Huey Lewis, or the verse to “I Do” by Howie Day.

Live and Let Lie

| | | | | | |
|----------------------|-----------|--|----------------------|----------|--|
| B^b | Dm | | E^b | F | |
|----------------------|-----------|--|----------------------|----------|--|

CLASS EIGHT SONGS

I-V-vi-IV AND *I-iii-IV-V*

HERE AGAIN is the *I-V-vi-IV* progression, a la “One Day” by Matisyahu, “No Woman No Cry” by Bob Marley, “Someone Like You” by Adele and zillions of other tunes. Since the release of a video called “Four

Chord Song” by Axis of Awesome, some people just call this the Axis of Awesome Chord Progression. Here the progression is written in the key of *D*, just as the Axis of Awesome play it.

4 Chords of Glory

| **D** | **A** | **Bm** | **G** |

We first played the *I-iii-IV-V* progression in Class Seven. Here it is again, in the key of *A*, so that you can continue mixing your *A*-shape minor and 7th chords with *E*-shape chords. It shows up in songs like “If I Had A Hammer” by Pete Seeger and Lee Hays, “Cruel to be Kind” by Nick Lowe, “Ziggy Stardust” by David Bowie, “Good Little Girl/Bad Little Boy” from Adventure Time, “Stuck on You” by Lionel Richie, “Live and Let Die” by the Wings, “Fun, Fun, Fun” by the Beach Boys, “Crocodile Rock”

by Elton John, and “Let’s Get It On” by Marvin Gaye.

By the way, even though “Let’s Get It On” was recorded in 1973, which is AFTER dozens of other *I-iii-IV-V* songs were recorded, I firmly believe that Marvin Gaye did not plagiarize the song—he was simply writing a song using a common progression, just like every other professional songwriter does.

Play the first chord as an *E*-form and the last three chords as *A*-shape chords.

4 Chords of Slightly Less Glory

→ | **A** | **C[♯]m** | **D** | **E7** |

VISUAL EXHIBIT F

DRAFT PRIVILEGED AND CONFIDENTIAL WORK PRODUCT

“LET’S GET IT ON” (“Let’s”) and “THINKING OUT LOUD” (“Thinking”)

TEMPO

“Let’s” ~81-85 BPM

“Thinking” 79 BPM

METER

“Let’s” 4/4

“Thinking” 4/4

KEY

“Let’s” Eb major

“Thinking” D major

INSTRUMENTATION

Both songs contain:

Drums

Bass

Electric guitar

Piano

Lead vocals

Background vocals

In “Let’s” only:

Saxophones

Strings

Flute

Congas

Hand claps

In “Thinking” only:

Acoustic guitar

STRUCTURE

There are no significant structural similarities.

HARMONY

Both songs use a similar (but not identical) chord progression in the same harmonic rhythm of two chords per bar in which the second and fourth chords are anticipated (i.e., they occur on the second half of beat 2).

“Let's”: I ii7 IV V

“Thinking”: I I/3 IV V

Due to the improvisational nature of some of the instrumental parts, particularly in the piano part in both songs, the chord progressions in both songs have numerous variations and chord extensions which I have not transcribed given the “preliminary” status of this analysis.

The basic bass line in both songs is on scale degrees 1-3-4-5, in which 3 and 5 are anticipated, mirroring the harmonic rhythm (and the I IV and V chords in the case of scale degrees 1-4-5). However, there are numerous embellishments and *ad libs* in both bass lines which I have not fully transcribed at this juncture.

MELODY

There are no significant similarities in the vocal melodies.

By way of difference, the vocal melody in “Thinking” is diatonic (i.e., based on notes in the major scale), while the vocal melody in “Let's” contains several flatted thirds which are outside of the major scale.

LYRICS

There are no significant lyrical similarities.

By way of difference, the lyrics in “Let’s” are about immediate sexual attraction, while the lyrics in “Thinking” are about long-term romantic love.

RHYTHM

There are no significant rhythmic similarities, other than the similarities in harmonic rhythm and the rhythm of the bass lines.

PRIOR ART

The I iii IV V chord progression in “Let’s” was commonplace by 1973, the year in which “Let’s” was released, which undercuts a claim of “originality” of that chord progression in “Let’s”. Importantly as analyzed above, the second chord in the chord progressions in “Let’s” and “Thinking” is *not* the same. During a very preliminary search for prior art, I found the I iii IV V chord progression (that is in “Let’s” in following songs released prior to 1973:

“Georgy Girl” The Seekers
“Easy Now” - Eric Clapton
“Once Upon a Dream” - Billy Fury
“You Baby” - The Turtles
“Fun Fun Fun” - The Beach Boys
“True Love Ways” - Buddy Holly
“Summer Song” - Chad & Jeremy
“Hurdy Gurdy Man” - Donovan
“I Started a Joke” - The Bee Gees

Moreover, the chord progressions in all of the above appear to have a harmonic rhythm of 2 chords per measure and are accompanied by the 1-3-4-5 bass line.

In “Georgy Girl,” the second and fourth chords are anticipated, and the second bass note is anticipated. Beto Diaz’ version of “Georgy Girl” has *both* anticipated chords *and* bass notes. (I did not find a release year for Diaz, but the production quality and instrumentation indicate that it was recorded in the mid-to-late 1960s.) The Beto Diaz version of “Georgy Girl” contains all of the similarities, and a chord progression that is more similar to that in “Let’s” because the second chord in the 4-chord progression in “Let’s” and “Thinking” is *not* the same, as analyzed above.

Moreover, there are almost certainly multiple songs released **after 1973** that contain the same similarities, which leaves open the possibility that “Thinking” was inspired by a song other than “Let’s Get It On.” For example, Lionel Richie’s “Do It To Me” (1992) seems to contain all of the similarities, and Michael Jackson’s “Man In the Mirror” (1987) is very close.

Qualification

Given that this summary represents a “preliminary” analysis, I did not transcribe every variation of the four-chord progression and bass line in both songs. It is possible that there are additional similarities between particular iterations. For example, the attached transcription shows that the first iteration of the bass line in “Thinking” has a leap down from 1 to 3 that is similar to “Let’s.” Both songs also contain Vsus4 in some iterations.

My transcriptions are set forth below.

“Let’s Get It On”

Bass line and chords in the recorded key

Time: 0:02

Eb Gm7 Ab Bb(sus4)

3 Eb Gm7 Ab Bb

(8)

“Thinking Out Loud”

Bass line (as played on guitar) and chords in Verse 1 in the recorded key

Time: 0:00

D⁵ D/F# G⁵ A⁵

3 D⁵ D/F# G⁵ A⁵

“Thinking Out Loud”

Bass line and chords in Chorus 1 in the recorded key

Time: 1:13

D D/F# G A⁹(sus4)

3 D D/F# G A

Note: The A9(sus4) chord “bar 2 is the result of the guitar playing A5, while the piano plays G/A.

“Let’s Get It On” / “Thinking Out Loud”

Comparative transcription of the bass lines and chords in C major

The image displays a comparative transcription of bass lines and chords for two songs in C major, presented in 4/4 time. The score is organized into three systems, each containing three staves. The first system covers the first measure of both songs. The second system covers measures 2 and 3. The third system covers measures 4 and 5. Chords are indicated above the staves, and the bass line is written on the bottom staff of each system.

| Measure | "Let's Get It On" Bass Line (B1) | "Let's Get It On" Chords | "Thinking Out Loud" Bass Line (B2) | "Thinking Out Loud" Chords |
|---------|----------------------------------|--------------------------|------------------------------------|----------------------------|
| 1 | C4 (half note) | C | C4 (half note) | C ⁵ |
| 2 | E3 (half note) | Em ⁷ | E3 (half note) | C/E |
| 3 | F3 (half note) | F | F3 (half note) | F ⁵ |
| 4 | G3 (half note) | G(sus4) | G3 (half note) | G ⁵ |
| 5 | A3 (half note) | | A3 (half note) | |

Additional details from the image:
 - The first system is labeled "Let's Get It On" 0:02.
 - The second system is labeled "Thinking Out Loud" 0:00.
 - The third system is labeled "Thinking Out Loud" 1:13.
 - A measure number "3" is placed at the beginning of the third system.

VISUAL EXHIBIT G

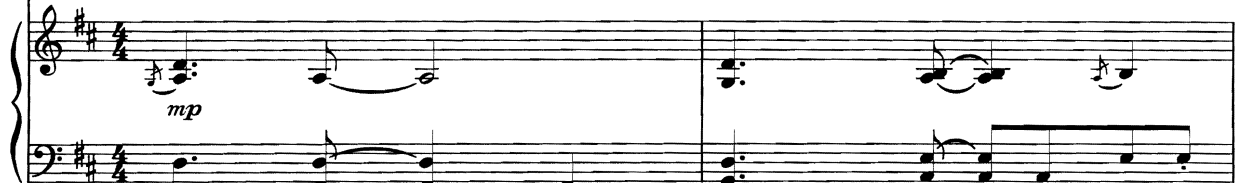
Thinking Out Loud

Words and Music by Ed Sheeran and Amy Wadge

♩ = 80



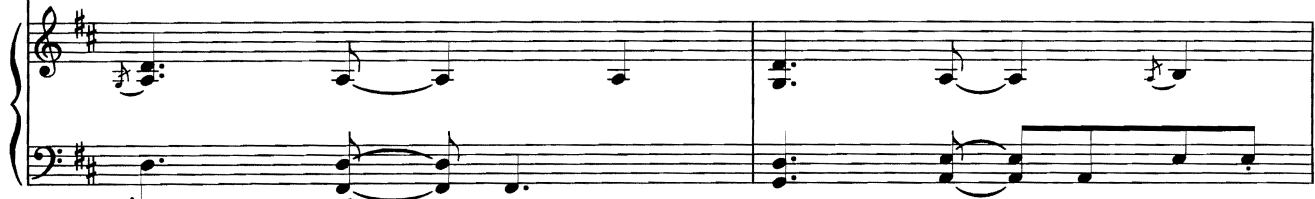
1. When your legs don't work like they used to be-fore,
2. When my hair's all but gone and my mem - o - ry fades,



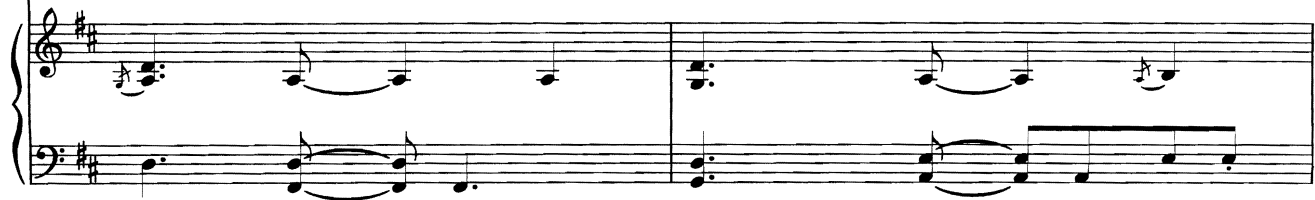
secco



and I can't sweep you off of your feet,
and the crowds don't re - mem-ber my name,



will your mouth still re-mem-ber the taste of my love,
when my hands _____ don't play the strings the same way, mmm, —



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2 D5 D/F# G5 A5

7

will your eyes still smile from your cheeks? Dar - lin' I,
I know you will still love me the same. 'Cos hon - ey your

9 D D/F# G Asus2 D D/F#

will be lov-in' you till we're sev-en - ty, —
soul could nev-er grow old, it's ev - er - green, —

12 G A D D/F# G Asus2

and ba-by, my heart could still feel as hard at twen-ty three, —
and ba-by your smile's for - ev - er in my mind and mem - o - ry. —

15 D D/F# G A11

and I'm think-ing 'bout how —
I'm think-ing 'bout how —

17

Em7 G6 A7 D Em7 G6

peo-ple fall in love in mys-te - ri-ous ways, — may-be just the touch of a hand, —
 peo-ple fall in love in mys-te - ri-ous ways, — and may-be it's all part of a plan, —

Ped. cont. sim.

20

A Em7 G6 A Bm

— well me, I fall in love with you ev - 'ry sin - gle day, — and
 — well, I'll just keep on mak - ing the same mis - takes, —

23

Em7 G6 A7 N.C.

I just wan - na tell you I am, — so hon - ey now, —
 hop - ing that you'll un - der - stand — that ba - by now, —

Chorus

25

D D/F# G A11

take me in - to your lov - in' arms, —

4

D D/F# G A D D/F#

27

kiss me un-der the light of a thou - sand stars, —

30

place your head on my beat-ing heart, — I'm think-ing out — loud — may-be

33

To Coda ♪ 1. 2.

Bm A G D/F# Em7 A D Em7 A D

we found love right where we are. where we are.

36 Interlude

D/F# G Asus4 D D/F#

La, la,

39      

la, la, la, la, la, la, la, la, la, la, la.

42     *D.S. % al Coda*

So ba - by, now

Coda  44          

where _ we are, ba-by we found love right where we are, _____ and

47       

we found love right where we are.

p

VISUAL EXHIBIT H

**Alexander Stewart, Ph.D.
Professor of Music
University of Vermont**

June 3, 2015

Re: "Let's Get It On" and "Thinking Out Loud"

I am Professor of Music, Director of Latin American and Caribbean Studies, and Jazz Studies Coordinator at the University of Vermont. I have contributed to numerous peer-reviewed journals and other publications and I am author of a book published by University of California Press. My work encompasses extensive music transcriptions, musicological analysis, historical research, and other scholarly activities, particularly in popular music. I earned a Ph.D. in Music (Ethnomusicology Concentration) from the Graduate Center of the City University of New York (CUNY) and a Master of Music in Jazz and Commercial Music from Manhattan School of Music. During 2006-7 I was a Fulbright scholar researching traditional and popular music in Mexico. As an active professional musician I have performed with leading musicians in jazz and popular music for more than thirty years. I have provided expert opinions and analysis on music copyright matters for over twelve years.

I have been asked to compare two songs: "Let's Get It On" (LGIO) performed by Marvin Gaye and "Thinking Out Loud" (TOL) by Ed Sheeran. Recordings of these songs were provided to me by Mr. Patrick Frank of Frank and Rice PA. I also compared these songs with two live versions of TOL by Sheeran that I found on YouTube, one of which includes an interpolation from "Let's Get It On."¹ In addition, after my initial comparisons, I reviewed reports by Dr. Lawrence Ferrara and Mr. Anthony Ricigliano.

As I will discuss in further detail below, I have found significant similarities between the songs in question. In my opinion, these similarities can only be the result of copying from "Let's Get It On."

The following table outlines the general characteristics of "Let's Get It On" and "Thinking Out Loud."

¹ TOL/LGIO: <https://www.youtube.com/watch?v=RxZjVZKVN7k> (accessed 5/30/2015) and TOL: https://www.youtube.com/watch?v=_9jTo_0Fqzg (accessed 5/30/2015).

General characteristics

| Song | Key | Tempo (BPM) ² | Length |
|-----------------------|----------|--------------------------|--------|
| LGIO (single version) | Eb major | ~82 | 4:02 |
| LGIO (full version) | Eb major | ~82 | 4:51 |
| TOL | D major | 79 | 4:42 |
| TOL (YouTube) | Db major | 82 | 4:48 |
| TOL/LGIO (YouTube) | C major | ~86 | 5:52 |

As can be seen, LGIO and TOL are performed at nearly the same tempo, and can be considered exemplar of rock or soul ballads. The key centers are also similarly placed with the commercially-released version of TOL placed in the next lowest key from LGIO (a half step or semitone below LGIO's key of E-flat major). Other live versions of TOL are placed even lower, in D-flat major and C major, perhaps reflecting Sheeran's more limited vocal range.

Form**LGIO (single version)**

0:00-1:34 verse
 1:34-2:19 bridge
 2:19-3:05 verse
 3:05-3:17 short bridge
 3:17-4:02 verse

LGIO ("deluxe" or full version)

0:00-1:34 verse
 1:34-2:19 bridge
 2:19-3:05 verse
 3:05-3:50 bridge
 3:17-4:51 verse

TOL (studio version)

0:00-0:24 verse A
 0:24-0:48 verse B
 0:48-1:13 bridge
 1:13-1:43 chorus
 1:43-2:07 verse A2
 2:07-2:32 verse B2
 2:32-2:56 bridge
 2:56-3:26 chorus
 3:26-3:50 interlude (guitar solo)
 3:50-4:42 chorus

While the above structural analysis seems to suggest that the forms of the songs are different, it is important to note that the basic harmonic pattern and bass line

² BPM = beats per minute

underlying most of these sections remains the same. In both songs the bridges are the only sections that contain significant departures from this underlying four-chord structure. In TOL, the differences between the A and B verses are only in melodic pattern and lyrical content. The differences between LGIO and TOL reflect LGIO's looser, at times more spontaneous feel, and TOL's more rigid, formalized structure.

Specific Musical Expression or Content

Methodology

To facilitate comparison, musicologists typically use transposition to place each song in the same key. I have transposed all the following examples from LGIO to D major (the key of the studio version of TOL). Further, in my analysis, following standard musicological procedure, I have used numbers to represent the pitches of the diatonic scale (1=D, 2=E, 3=F or F-sharp, 4=G, etc.). In my analysis below, I will occasionally use the integer "8" to indicate the first scale degree at a pitch level an octave higher. Both songs occasionally deploy a "blue" third (a third degree of the scale that is variably minor, major, or somewhere in-between).

Foundation

LGIO and TOL rely on a strikingly similar foundation comprising melodic, harmonic, and rhythmic elements. As can be seen below, the characteristic bass line of both songs is nearly identical. Melodically, the bass leaps downward by a sixth before ascending stepwise to the fifth degree of the scale. Example 1 provides the opening bass lines of each song.

Example 1. Basic bass lines in LGIO and TOL (see also Ferrara Report)

The image displays two musical staves for bass lines. The top staff is labeled 'LGIO' and has a time signature of 0:01. The bottom staff is labeled 'TOL' and has a time signature of 0:00. Both staves are in D major (two sharps) and 4/4 time. The LGIO bass line consists of the following notes: D4 (quarter), C#3 (quarter), B2 (quarter), A2 (quarter), G2 (quarter), F#2 (quarter), E2 (quarter), and D2 (half). The TOL bass line consists of the following notes: D4 (quarter), C#3 (quarter), B2 (quarter), A2 (quarter), G2 (quarter), F#2 (quarter), E2 (quarter), and D2 (half).

In both songs, this melodic sequence can be characterized as 8-3-4-5. All of the melodic notes contained in TOL are found in LGIO. The only differences are some slight embellishments or "fills" heard at the end of each measure in LGIO. Indeed, as both songs progress, varying embellishments can be heard while the underlying pattern remains essentially unchanged. The basic rhythm of these bass lines is identical, with the pitches 3 and 5 anticipated or played before the third beat of the measure. Further, the 5 is sounded twice in a syncopated fashion, on the "and" of two and the "and" of three. Rhythmically this two-measure pattern could be counted

as" **"ONE-and-two-AND-three-and-four-and-ONE-and-two-AND-three-AND-four-and."**

Graphically these bass lines can be represented as:

| Beat | 1 | + | 2 | + | 3 | + | 4 | + | 1 | + | 2 | + | 3 | + | 4 | + |
|------|----------------|---|---|----|---|---|---|---|---|---|---|---|---|---|---|---|
| LGIO | D ⁸ | | | F# | | | | | G | | | A | | A | | |
| TOL | D ⁸ | | | F# | | | | | G | | | A | | A | | |

Note once again that each bass line begins on the upper tonic ("D⁸") before descending a sixth to the third of the scale. This downward leap is a signature element of the melodic contour and contributes significantly to the melodic flow of the bass line and the underlying groove (a large fall followed by a steady upward rise back to the first beat of the two-measure pattern).³

The basic drum pattern in both songs is also identical as can be seen in example 2.

Example 2. Drums in LGIO and TOL

The image shows musical notation for drums in two songs, LGIO and TOL. The LGIO staff starts at 0:01 and the TOL staff starts at 0:24. Both staves are in 4/4 time and show a consistent drum pattern with eighth notes and rests, indicating a steady groove.

The original drum part from LGIO has been copied note-for-note. The bass drum or "kick" is played on "one" and "four" with two syncopations or off-beat figures on the "and" of two and the "and" of three, or **ONE-and-two-AND-three-AND-FOUR-and-ONE-and-two-AND-three-AND-FOUR-and."** The following chart graphically represents these drum parts:

³ On the commercially-released recording of TOL, when the rhythm section enters at 0:24 a slightly different bass part containing the pitch D at a lower octave overlaps the opening bass line. The sheet music to TOL and the two live versions of TOL contain the descending sixth throughout most of the song.

| | | 1 | + | 2 | + | 3 | + | 4 | + | 1 | + | 2 | + | 3 | + | 4 | + |
|------|----|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|---|
| LGIO | hh | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x |
| | sn | | | X | | | | X | | | | X | | | | X | |
| | bd | X | | | X | | X | X | | X | | | X | | X | X | |
| TOL | hh | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x | x |
| | sn | | | X | | | | X | | | | X | | | | X | |
| | bd | X | | | X | | X | X | | X | | | X | | X | X | |

hh=hi hat; sn=snare drum; bd= bass drum

This distinctive drum part both accentuates the syncopation in the bass line and emphasizes beat four by placing a bass or “kick” drum along with the snare on beat four. As can be seen, these drum parts are for all practical purposes identical. Dr. Ferrara could not have listened closely or transcribed any of the drums parts when he made the statement “There are no significant rhythmic similarities, other than the similarities in harmonic rhythm and the rhythm of the bass lines” (undated Ferrara report). Similarly, the report of Mr. Ricigliano makes no mention of the drum parts in either song.

In my opinion, the combination of these distinctive bass lines and drum parts found in LGIO and TOL, which are similar in every important detail, could not be a result of independent creation and can only indicate copying.

Melody

A preliminary analysis of the melodies of both songs reveals many similarities. In fact, almost every important melodic theme in TOL has a corollary in LGIO.

The main theme of TOL is derived from the opening theme of LGIO. In TOL this phrase and very close variations of it are heard eight times where they form the A verse.

Example 3. Opening theme of LGIO

The musical score for the opening theme of LGIO is presented in four staves. The top staff is the voice line, starting at 0:01, with the lyrics "I've been real - ly try - in' ba - by". The second staff shows the chords: D, F#min, G, and A. The third staff is the bass line, and the fourth staff is the drums, which feature a syncopated pattern with snare and bass drum hits.

Example 4. Opening themes of LGIO and TOL compared

LGIO 0:01
I've ben real - ly try - in' ba - by

TOL 0:00
When your legs don't work like they used to be - fore,

Following standard musicological procedure, the first phrase in each song can be converted to the following pitch sequence:

LGIO 345432212
TOL 35653212361

Taking the pitches to which the first eight syllables of each song are set yields:

LGIO 34543212
TOL 35653212

The only difference is that the three notes following the first pitch are raised by one scale degree – 454 becomes 565. I will discuss this further below.

Another way to analyze this melodic sequence is to look at pitches that have important structural functions.

LGIO 345432212
TOL 356532(1)23(6)1

I have placed two pitches in TOL in parentheses because melodically they function as neighbor and/or because of their extremely brief duration and weak rhythmic placement. The melodic sequence of TOL can be reduced to 356532231.

The following compares the basic opening melodic gestures of both songs.

LGIO 345432212
TOL 356532231

Once again, the main difference can be found in the second, third, and fourth pitches. Each of these pitches is raised one step: from 454 to 565. Using the same methodology, this sequence can be further reduced. The pitch 5 is the important chord tone in these phrases and in each song is supported by either a iii minor chord (where it is the third) or a I/3 chord (where it is the fifth). In LGIO the pitch 5 is supported by passing tones (4) and in TOL the 5 is decorated by an upper neighbor tone (6) as illustrated below.

LGIO 3(4)5(4)32212
TOL 35(6)532231

The essential melodic gesture of the opening theme of each song is:

LGIO 3532212
TOL 353221

As can be seen, the only significant difference between the phrases in LGIO and TOL is that LGIO ends with an upward motion to 2.

It is also significant that melodic figures involving the pitches 35653 and 565 abound in LGIO. One illustration is provided in example 5.

Example 5. LGIO melodic figures.



from 1:43-2:07. As the first phrase heard in LGIO it is undeniably one of the most memorable melodic figurations in the song.

Another important melodic figure heard in TOL is the motive repeated three times at the beginning of each chorus (1:13; 2:56; and 3:50). Example 6 provides examples of this theme from each song.

Example 6. TOL chorus melody

Example 6 displays two musical staves in G major (one sharp) and 4/4 time. The top staff, labeled 'LGIO', is marked with a time signature of 2:38 and contains the melody for the lyrics 'If you be-lieve in love, let's get it on.' The bottom staff, labeled 'TOL', is marked with a time signature of 1:16 and contains the melody for the lyrics 'Take me in-to your lov-in' arms'. Both melodies feature a descending sequence of notes (5-4-3-2-1) followed by a final 3.

As can be seen, the melody in each song features repeated notes descending from 5 to 3 with a penultimate note on 2 before the final 3.

LGIO 35443333123

TOL 5554443323

Variants of this passage can also be heard in LGIO at 0:17 and 3:38. Once again, it is important to note that these melodies are placed over nearly identical bass parts, drum parts, and chords.

As part of its preliminary analysis of the melodies, this report takes note of the melodic similarities during the only significant harmonic detours in both songs that occur during each song's bridge. Example 8 compares the melodic figures heard during these sections. In each song, the bridge happens twice.

Example 7. Sections of the bridges from LGIO and TOL

The musical notation for Example 7 consists of two main sections. The top section is for the bridge of LGIO, starting at 3:08. It features a melody in treble clef with a key signature of one sharp (F#) and a 4/4 time signature. The lyrics are "come on, dar - lin' stop beat-in' round the bush." Chord symbols E7, G, and A are indicated above the staff. The bottom section is for the bridge of TOL, starting at 0:48. It also features a melody in treble clef with a key signature of one sharp (F#) and a 4/4 time signature. The lyrics are "and I'm think-ing 'bout how peo - ple fall in love in mys - te - ri - ous ways". Chord symbols Em, G, and A are indicated above the staff.

These bridges involve similar movement to harmony built on the supertonic or second degree of the scale (E minor in TOL and E7 in LGIO) and the dominant or A (ii-V and II7-V, respectively).⁴

LGIO 5621666622343432
TOL 6321216534343212

While these melodies do not rise to the level of similarity of the previous comparisons, it is worth noting the 343432 sequence over the move toward the dominant harmony is found in both songs. I discuss the harmonic similarities further below.

A final melodic comparison looks at the vocables (non-lexical syllables such as "la, la, la") at 3:35 during the interlude section of TOL. The guitar echoes this figuration four measures later at 3:47. This passage shares significant similarities with one of the most memorable phrases heard in LGIO.

⁴ In the sheet music of TOL these chords are given as E minor7 and A7.

0:48

LGIO

TOL

TOL/LGIO
Sheeran

We're all sen - si - tive peo -

La, la, la, la, la, la, la, la, la, la, la, la, la.

4:52 Delay

We are al sen - si - tive

ple with so much to give.

ple with so much to give.

| | |
|----------------|-----------------|
| LGIO | 88778776535165 |
| TOL | 888777666555321 |
| LGIO (Sheeran) | 88877876135376 |

Harmonies

Quoting from undated Ferrara Report:

Both songs use a similar (but not identical) chord progression in the same harmonic rhythm of two chords per bar in which the second and

fourth chords are anticipated (i.e., they occur on the second half of beat 2).

"Let's": I ii7 IV V

"Thinking": I I/3 IV V

The only difference is a detail of the second chord, in TOL a D major chord with F# in the bass (D/F#) rather than F# minor. The different note in this chord, a "D" instead of C#, does not significantly alter its sound and I doubt that many listeners would notice the difference. As Dr. Ferrara notes, there are multiple variations found within the four-chord progression, and examples of 5-chords (chords without a third), 7th chords, and suspended 4th chords are prevalent.

The musical bed on which both songs lie is mostly built from this basic progression. Indeed, the only significant departure occurs during the bridge of each song when they both move to chords with a sub-dominant function. The opening chords of the bridges are closely related (E minor7 or ii7 in TOL and G major or G7 or IV in LGIO).⁵ Despite all these similarities, I should also note by way of difference that the two measures containing the words "we found love right where we are" in TOL are set to different harmony that is not found in LGIO.

I disagree with Dr. Ferrara's preliminary assessment that there are significant differences in the modal qualities of these songs. While LGIO has a bluesier and more soulful vocal, both songs employ inflections on various pitches of the scale (especially the third degree) and as can be seen in example 2, Sheeran's melody contains "bent" notes that include F-natural as well as F-sharp.

Lyrics

While, like Dr. Ferrara, I have found no important lyrical similarities, I must take issue with his statement that "the lyrics in "Let's" are about immediate sexual attraction, while the lyrics in "Thinking" are about long-term romantic love" (undated Ferrara report). Despite LGIO's more overt sexuality, TOL also contains not-so-subtle sexual and erotic overtones. Further, the lyrics to Gaye's song repeatedly emphasize romantic love "If you believe in love...." In the end, both ballads are celebrations of love to a particular woman. The main difference would be, then, that the attraction in TOL has been "consummated" while the singer in LGIO is still yearning for it.

⁵ Chords are said to be closely related when they share many of the same pitches. In diatonic harmony, the roots of such chords are usually a third apart, as they are here, E and G. These chords also share the same sub-dominant function. Indeed, the ii and IV chords are frequently considered interchangeable.

So-called "prior art"

Dr. Ferrara's report mentions ten songs that he claims pre-date LGIO that contain similar harmony. I have carefully examined all of these songs and found none that contain the bass line and drum part at issue in this matter. In fact, the only example in which the second and fourth chords are anticipated (the Diaz version of "Georgy Girl") does not contain the characteristic descending sixth of the bass part heard in LGIO and TOL and the percussion part is nothing like the drum parts in LGIO and TOL. Moreover, it stretches credulity to the breaking point to suggest that this apparently obscure Mexican bandleader's cover version of a 1960s pop song (that, in any version, *sounds nothing like either song* in this case) could have had much influence beyond his own backyard.

Example 9. "Georgy Girl" Diaz version

0:06

Bass

C Emin F G

Perc

The only example among the works mentioned by Ferrara that contains a descending sixth in the bass is Donovan's "Hurdy Gurdy Man." But in this song, none of the chords are anticipated and, once again, the drum part is completely different. Moreover, the bass part contains many extra notes, including the repeated G or "8" before the downward leap at the beginning and no syncopation whatsoever.

Example 10. "Hurdy Gurdy Man" Donovan

1:05

Bass

G Bmin C D

Drum Set

Of the two songs mentioned by Dr. Ferrara that post-date LGIO but pre-date TOL, only Lionel Richie's "Do It To Me" contains anticipated second and fourth chords. While the bass part also contains a descending sixth, as can be seen below, the drum part is in a completely different style (sixteenth-note based subdivision) and bears no resemblance to the drum part in LGIO and TOL.

Example 11. "Do It To Me" Lionel Richie

The musical notation for "Do It To Me" by Lionel Richie is presented in three staves. The top staff, labeled "Bass", is in 4/4 time and shows a descending line: G2 (quarter), F#2 (quarter), E2 (half). The middle staff, labeled "Chords", shows the harmonic progression: C (quarter), E min7 (quarter), F Maj7 (quarter), and E/G (half). The bottom staff, labeled "Drum Set", shows a complex 16th-note based rhythm pattern. The notation includes various drum symbols such as snare, hi-hat, and kick, with some notes marked with an 'x' to indicate specific sounds or techniques.

In summary, none of the works cited by Dr. Ferrara contain substantial similarities to the songs at issue in this matter. LGIO and TOL are far more similar to each other than any of these songs are to either of them.

Conclusions

The preponderance of the evidence points conclusively toward the creator(s) of "Thinking Out Loud" having copied important musical expression from the song "Let's Get It On." Striking similarities include the bass line, drum parts, and harmonies in aggregate. This unauthorized taking accounts for the foundation, groove, and core musical expression of both songs and, by itself, constitutes a violation of the distinctive artistic elements of the original song. Moreover, much of the melodic vocal expression in TOL is also similar that in LGIO. These melodies share phrasing, contours, rhythms, and basic pitch sequences. In combination with the harmonies, bass line, and detailed drum parts, this expression reveals that much of TOL has been derived from LGIO. A future report may provide a quantitative and qualitative assessment of the value of the musical expression taken from LGIO in TOL. The video of Mr Sheeran seamlessly segueing from TOL to LGIO and back to TOL during performance confirms his familiarity with the melodic content of the vocals of LGIO in addition to the strikingly similar harmony, percussive rhythmic details, and bass melodies of "Let's Get It On" heard in "Thinking Out Loud."

VISUAL EXHIBIT I

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| [2] I Got Money | [29] Pass The Peas | [59] Soul Man |
| [3] Hold It | [30] Escape-ism | [60] I Thank You |
| [4] Why Does Everything Happen To Me | [31] Soul - Power - Parts 1&2 | [61] Shake Your Big Hips |
| [5] Soul Food, Part 1 & 2 | [32] Hot Pants Road | [62] Big Leg Women (With A Short, Short Mini Skirt) |
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| [24] Lowdown Popcorn | [51] You're A Sweet Sweet Man | [83] Skin Tight |
| [25] I Can't Stand Myself (When You Touch Me) | [52&53] Chain Of Fools | [84] Fire |
| [26] Get Up (I Feel Like Being A) Sex Machine | [54&55] Funky Broadway (Part 1) | [85] Jive Turkey |
| [27] Talkin' Loud And Sayin' Nothing | [56] Let A Woman Be A Woman, Let A Man Be A Man | [86] Who'd She Coo |
| | [57] We Got More Soul | [87] Palm Grease |
| | | [88&89] Actual Proof |
| | | [90] Slinky |

1 2 3 4 5 6 7 8 9 0



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18. "Papa's Got A Brand New Bag" James Brown, 1965

□ King K5999

Reissues: "Star Time," Polydor 849 108-2 & "20 Greatest Hits," Polydor 314 511 326-2

Melvin Parker - Drums



♩=130



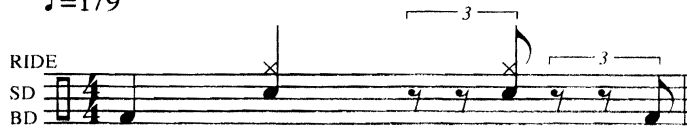
19. "Bring It Up (Hipster's Avenue)" James Brown, 1966

□ King K6071

Reissue: "Star Time," Polydor 849 108-2

John "Jabo" Starks - Drums

♩=179



20. "Jabo" James Brown, 1966

□ From "James Brown Plays New Breed (The Boo-Ga-Loo)," Smash 67080

Reissue: "Soul Pride," Polydor 314 517 845-2

John "Jabo" Starks - Drums



♩=129



21. "Cold Sweat" James Brown, 1967

□ King 6110

Reissues: "Star Time," Polydor 849 108-2 & "20 Greatest Hits," Polydor 314 511 326-2

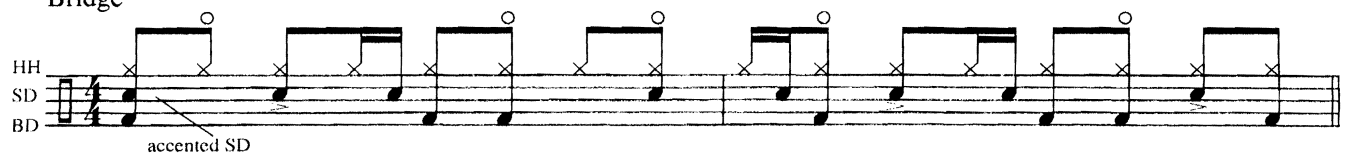
Clyde Stubblefield - Drums



♩=110



Bridge



15. "Please, Please, Please" James Brown, 1963

From "Pure Dynamite!," James Brown Live at the Royal," King 883
 Clayton Fillyau - Drums



♩ = 84

RC
SD
BD
LF, HH

16 "Out Of Sight" James Brown, 1964

Smash S1919,
 Reissues: "Star Time," Polydor 849108-2
 Melvin Parker - Drums



♩ = 129

RC
RIM CLICK
BD

17. "I Got You (I Feel Good)" James Brown, 1965

King K6015
 Reissues: "Star Time," Polydor 849 108-2 & "20 Greatest Hits," Polydor 314 511 326-2
 Melvin Parker - Drums



♩ = 144

HH
RIM CLICK
BD

Sax Solo

CYM BELL
SD
BD

Bridge

HH
SD
BD

VISUAL EXHIBIT J



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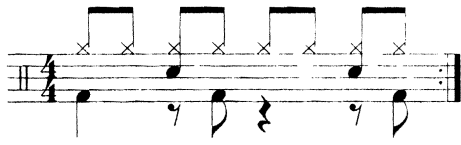
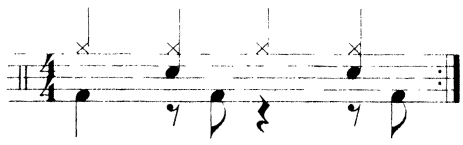
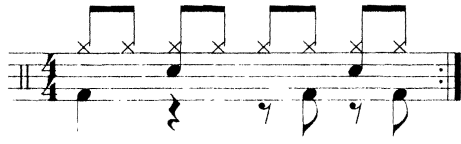
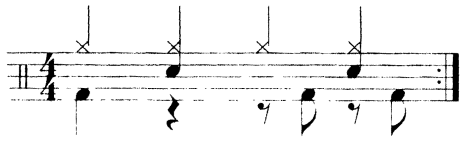
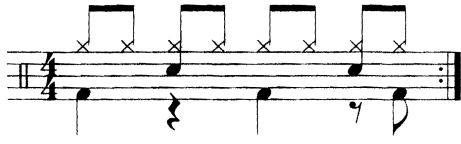

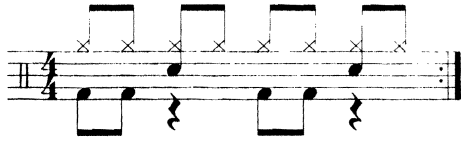
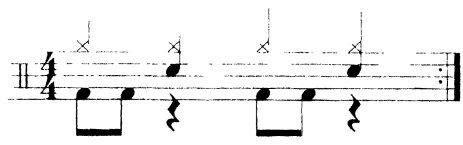
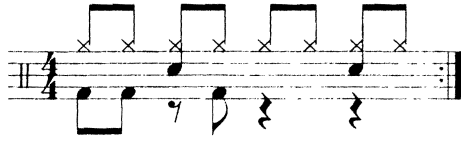


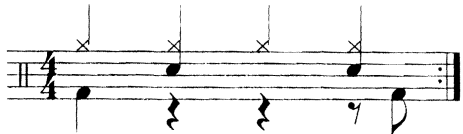
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| | | | | |
|-----------|----------|---|----------|--|
| 8 | a |  | b |  |
| 9 | a |  | b |  |
| 10 | a |  | b |  |
| 11 | a |  | b |  |
| 12 | a |  | b |  |
| 13 | a |  | b |  |
| 14 | a |  | b |  |
| 15 | a |  | b |  |

16th-note Ride Patterns

The examples on these next three pages feature 16th-note ride patterns with quarter-note and 8th-note patterns in the snare drum and bass drum. All of the ride patterns on the left-hand side of the page are meant to be played with one hand on either ride cymbal or hi-hat, while the other hand plays snare drum. The patterns on the right-hand side of the page are to be played on hi-hat only, using the sticking in the first example. As you go across the page, the examples have the same snare and bass drum parts, with the only difference being the way the ride pattern is played.

RLRLRLRLRLRLRLRL

1 a b

2 a b

3 a b

4 a **14** b

5 a b

6 a b

7 a b

VISUAL EXHIBIT K

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CD Contents

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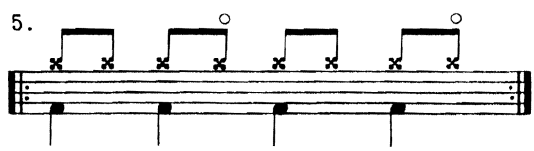
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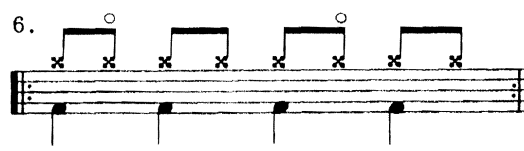
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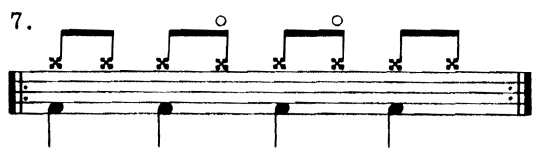
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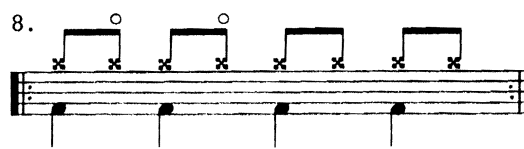
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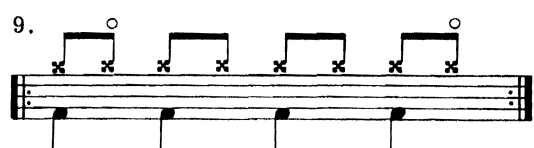
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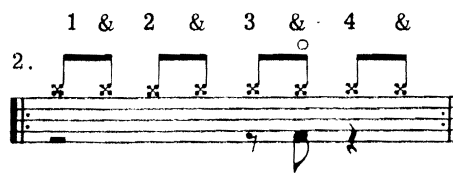
10. 

2) TEN EXERCISES TO DEVELOP CONTROL OF THE OPEN HI HAT SOUND WITH SYNCOPATED BASS DRUM BEATS.



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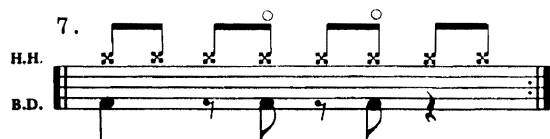
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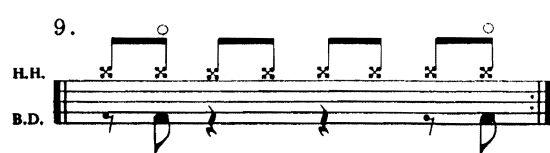
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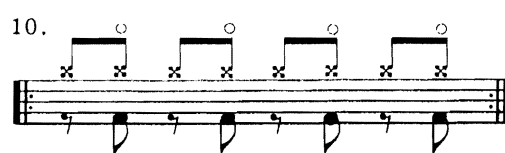
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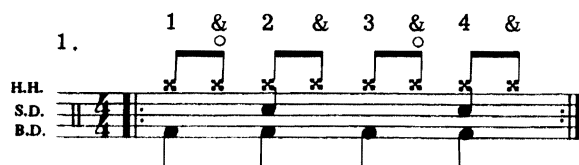
9. 


10. 


D. ADD THE OPEN HI HAT SOUNDS TO THE TEN ROCK'N'ROLL BASS DRUM PATTERNS:
PLAY THE LEFT HAND ON 2 & 4.

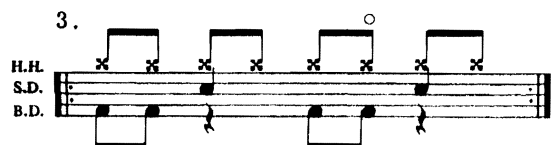
Memorize each beat.

 = 88 - 138

1. 

 CD ID #6

2. 

3. 

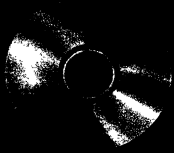
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VISUAL EXHIBIT L

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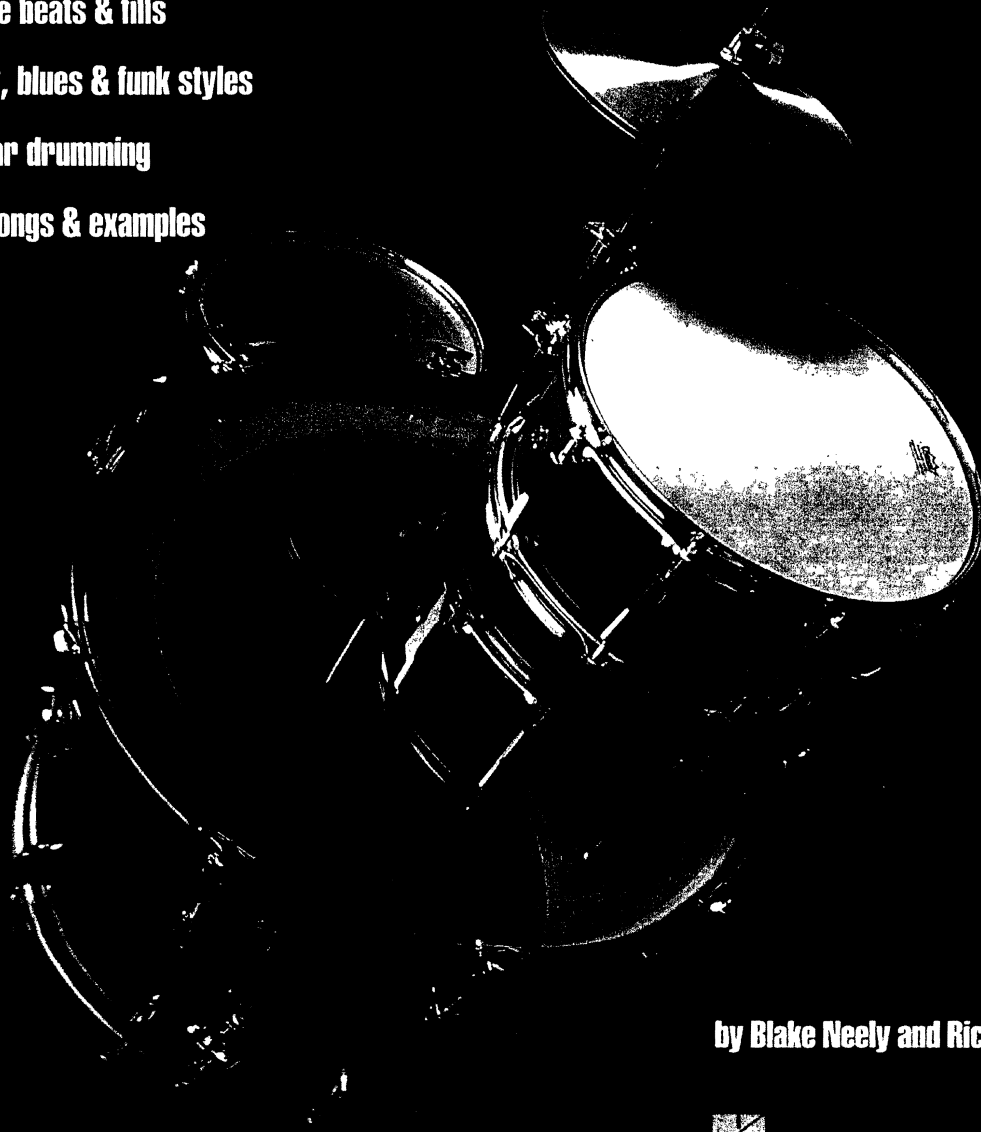
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Always remember the three Ps: **patience**, **practice** and **pace yourself**. We'll add one more to this list: be **proud of yourself** for a job well done.

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Each example on the CD is preceded by one measure of "clicks" to indicate the tempo and meter. Pan right to hear the drum part emphasized. Pan left to hear the accompaniment emphasized. As you become more confident, try playing along with the rest of the band.



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Less filling, sounds great...

With the blues, drummers can ease back and just play the beat. The rest of the band will provide the “showy” stuff. However, there are some appropriate places to fill in with some sound effects. But it’s important to know when and where, so you don’t get in the way of a great blues guitar solo...

- ★ **Cymbal crashes:** The most important place in the form to recognize (and mark) is the beginning of each 12-bar phrase. If you only play one cymbal crash in the entire twelve bars, play it on beat 1 of the first bar.
- ★ **Add fills:** A good way to signal that the form is about to start over is by playing a fill during the last (twelfth) bar leading into the cymbal crash at the beginning of the first phrase.
- ★ **Vary the ride:** If you want to change from riding on the hi-hat to riding on the ride cymbal (or vice versa), make the change at the beginning of a 12-bar phrase—not somewhere in the middle. Generally, you would make such a change when something else in the song is changing. For example, you might ride on the hi-hat during the vocals, and switch to cymbal behind the guitar solo.

Try some of these out in the next tune:

32 Fillin'

Chart Reading

On the next page you’ll find a basic blues **chart**, often called a “road map” chart. A **chart** isn’t fully notated but does give you some basic information about what to play (leaving a lot up to you). Read through the list and mark these spots on the chart before you play.

VISUAL EXHIBIT M

“Let’s Get It On” opening vocal melody

And

“Thinking Out Loud” opening vocal melody

"Let's Get It On" 0:02

D F#m G A

I been real-ly try'n' ba - by

"Thinking Out Loud" 0:12

D D/F# G⁵ A⁵

When your legs don't work like they used to be - fore

